DOCUMENT RESUME

ED 416 557 CS 509 756

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TITLE Play, Epideictic and Argument.
PUB DATE 1997-11-00
NOTE 36p.; Paper presented at the Annual Meeting of the National Communication Association (83rd, Chicago, IL, November 19-23, 1997).
PUB TYPE Information Analyses (070) -- Opinion Papers (120) -- Speeches/Meeting Papers (150)
EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Concept Formation; *Definitions; Higher Education; *Literary Genres; *Persuasive Discourse; *Play; Scholarship; Theory Practice Relationship
IDENTIFIERS *Cicero; *Epideictic Rhetoric

ABSTRACT

This paper explores the relationship between epideictic and argument, noting that the relationship is a "troublesome" one. The first part moves toward new definitions of epideictic and argument (taking the view that epideictic rises out of human play) and locates argument on the boundary where the play-world meets the "real" or "everyday." The second part offers an essay of Cicero as a rhetorician who successfully negotiates between the play-worlds of epideictic and the concerns of everyday life in both his theory and his practice. The ways in which play figures into Cicero's "Pro Archia" are explored. Noting that some issues involved in defining argumentation are brought out in a textbook, "Argumentation and Debate" (McBurney and Mills, 1967), the paper opts for defining argument as a "method of reasoning." It then points out that "play" is also a complex concept, but considers it a basic activity that precedes culture; epideictic is play because it is the oratory that arises from the play-worlds of ceremony, festivals, and games and because, like other play-activities, it is for itself, the "playing-out" of an order that seeks only to be. Scholars who try to find coherence in the content of epideictic most often conclude that epideictic is a genre concerned with praise and blame. Kenneth Burke sees praise as passing over into education to become a means of transcendence. In the "Pro Archia," Cicero frames his case in terms of another kind of play: literature. Contains 16 notes and 28 references. (NKA)

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ED 416 557

Running Header: Play

Play, Epideictic and Argument

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"I am speaking before listeners of strong literary tastes, judges throughly well versed in the humanities, and a practor of exceptional caliber. What I therefore ask is that you allow me to enlarge with rather more freedom than usual on cultural and literary matters (148-9).

This passage comes from near the end of the introductory section of Cicero's courtroom speech in defense of the poet Archias. It is a speech that, as he suggests, does not follow the conventions of forensic argument, but rather takes off on a panegyric of the literary arts. It is generally regarded as having been a successful defense. Such a speech raises questions about the relationship between epideictic and argument, questions that are all the more pressing for our age, an age of actor-presidents, sitcom morality and rock star activism. Epideictic forms of literature are often suspected of harboring some argumentative impulse. Some portray the stakes of the relationship between argument and epideictic as nothing less than the fate of democratic society, which by some lights is seen to rest upon the capacity of citizens for rational argumentation. Glen E. Mills, for instance, said in 1964 that the practice of argumentation can stimulate free speech, "But mere freedom of speech is not enough; there must be thoughtful and responsible speech. Widespread indulgence in irrational and unethical communication cannot measure up to our democratic ideals (71)." Such sentiment is still current. In the first chapter of their textbook *Critical Reasoning*, Cederblom and Paulsen say "...the practice of critical reasoning can promote substantial social values. Perhaps foremost among them is the defense it can provide against our vulnerability as citizens in a society increasingly ruled by experts (6)."

But the undeniably important relationship between epideictic and argument is a troublesome one. This essay will explore that relationship. In the first part I will move toward new definitions of epideictic and argument. I will take the view that epideictic arises out of

human play and locate argument on the boundary where the play-world meets the "real" or "everyday." In the second part of the essay Cicero will be offered as an example of a rhetorician who successfully negotiates between the play-worlds of epideictic and the concerns of everyday life in both his theory and his practice. I will then begin to explore the many ways in which play figures into his *Pro Archia*.

Part One: Toward Definitions of Epideictic and Argument Rooted in Play

Epideictic and Argumentation

Formal and Audience-Centered Definitions of Argument

Part of the problem in talking about the relationship between argument and epideictic is that argument itself is a vexing word. Some of the issues involved in defining argumentation are brought out in the first sections of a textbook called *Argumentation and Debate* (McBurney and Mills). The 1967 edition defines argument as "a method of analysis and reasoning designed to provide acceptable bases for belief and action (1)." But it adds that, "In an earlier edition of this book, argumentation was defined as 'the art or activity by which one person, through the use of reasoned discourse, seeks to get other persons to believe or do what he wants them to believe or do.' Our present view is that this definition neglects the critical function of argumentation and overemphasizes the personal involvement and desires of the advocate (2)." It goes on to support its new definition by pointing out that a proposition for which one is arguing might well "be regarded as an hypothesis, and may be argued critically without personal involvement in the outcome. In this capacity, argumentation is essentially an instrument for judging and testing

propositions, rather than an instrument for persuasion, as it is commonly understood (2)." The word "reason" figures, in some way, into most definitions of argument, as what distinguishes it from terms like "rhetoric" and "persuasion." One might say that argument consists of "reasoned discourse," as these authors did, or that it is an appeal to the minds of "rational beings," following Perelman and Olbrechts-Tyteca.

But for some, saying that argument in some way appeals to reason does not seem a strong enough qualification. As McBurney and Mills point out, often one argues for or against a position just to test its truth, not out of a desire to persuade or convince any audience. And so, following McBurney and Mills, one comes around to saying that argument is a "method of..reasoning." Argument here does not just use or appeal to reason, it is reason. But problems lurk here as well, for the audience that was just dispensed with was the only link between argument and the world. If one reduces argument to pure reasoning, one exposes it to the criticism of the sort that formal logic receives: that it is out of touch with the world; that it has no practical application in real life; that it has created its own world; that it is nothing more than a sort of play.

Obviously we want argument to be something that has a force, deriving from reason, which is not completely contingent on the intent of the arguer or her ability to lead the audience. On the other hand, we also want it to remain relevant to the lives and problems of audiences. I will ultimately tend toward what I call an audience-centered definition of argument. But rather than settling on a definition of argument at this point, let us simply distinguish between attempts to define argument as reason and attempts to define argument by its aim of convincing audiences.

We will call the former "formal definition," because, like McBurney and Mills' second definition, they must ultimately refer to some set of logico-mathematical forms. And the latter will be called audience-centered definitions. We can put early Toulmin into the formal category, because, for him, argument consists in having a certain data-warrant-claim structure. And into the category of those that define argument audience-centeredly we can put Perelman and Olbrechts-Tyteca, who define argumentation as that which "aims at gaining the adherence of minds (14)."

Audience-centered definitions are closer to the spirit of classical conceptions of argument than formal definitions. Aristotle defines rhetorical argumentation as that which induces *pistis*, or belief, in an audience[1]. Cicero defines argument as a course of reasoning that makes doubtful things more certain: *argumentum est ratio, quae rei dubitae facit fidem* (*Topics* 2.7). He has other terms for the various forms that argument can take. *Ratiocinatio,* as defined in *De Inventione* (1.34.57), seems, for instance, to be Cicero's term for the deductive form.

Argument and Epideictic

Now if we accept Aristotle's definition of epideictic as a form of discourse that does not seek to convince the audience as judges, but rather to entertain them as spectators, a distinction that Cicero also admits, then epideictic discourse would seem, categorically, not to be argument, defined, as it was in the classic world, audience-centeredly.

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[1]In "Aristotle and the Tradition of Rhetorical Argumentation" Eugene Ryan makes the case that Aristotle's *Rhetoric* is, at root, a treatise on argumentation because its aim was a rhetoric that would "help to produce those enduring convictions capable of ensuring that a particular society was aiming at the genuinely good life (292)."

But the distinction between argument and epideictic has never been as neatly drawn as this, neither in ancient nor in modern times. In the preface to his *Helen*, Isocrates argues that display discourses, like the one he is about to present, should concern matters of general import, for it is more difficult to practice seriousness than levity. This implies that he intends to persuade his audience about substantial matters rather than engage in mere "wordy wrangling"--eristics--for its own sake, as his contemporaries do.

The distinction between argument and epideictic is cloudy even in Aristotle. It has been argued that epideictic, as employed by Aristotle himself, means the display of the *content* of the discourse for an audience (Chase 296), of *theoroi*, or "observers" (Oravac 164). Although the *theoroi* are not judges in any official capacity, later in his *Rhetoric*, Aristotle points out that an observer is a kind of judge (1391b18). So it seems that epideictic aims at producing conviction in an audience after all. This idea of display as the laying out of the matter for judgment allows epideictic to slip towards demonstration--epideictic is called *demonstrativum* in the *ad Herenium* (Book One, section 2; Chase 297)--and thus toward formal "demonstrative" reasoning, which fits many formal definitions of argument[2]. Under formal definitions, I'm sure that the eristics of the sophists, which Isocrates disparages as pale imitations of the paradoxes of Zeno and Gorgias, would be admitted as argument. Isn't Gorgias' Helen a disjunctive "argument?"

In modern times, Perelman and Olbrechts-Tyteca have argued that epideictic serves an

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[2]In connection with the distinctively *visual* observation of *theoroi*, there might be an interesting link to the idea of vivid description employed by the author of the *ad Herenium*, Cicero and Quintillian and described by Beth Innocenti in "Towards of Theory of Vivid Description." My idea is this: The visual is often self-evident, and so, by employing vivid description the speaker may be presenting a self-evident argument to his audience.

argumentative function by increasing adherence to values and enabling later arguments to draw upon them (47-54), confounding the distinction in yet another way.

So, despite the fact that, on an audience-centered definition of argument, epideictic can be shown not to be argument, it turns out that it has not been so strictly excluded in practice.

Because "epideictic," "argument" and "reasoning" have been used in so many different ways throughout the history of rhetoric, any attempt to find a core meaning of these terms is bound to be reductionist. Such reductions can be illuminating. For instance, a number of useful projects of this nature concerning epideictic have been published (Chase; Beale; Oravak). It is also useful to classify such reduction, as Condit has done, pointing out that the work of Chase, Beale and Oravak is message-centered, speaker-centered, and audience-centered respectively. But by equating epideictic with play I hope to be able to build a framework that provides a richer way of thinking about its place in culture and relationship with argument.

Why am I inclined to associate epideictic with play? As I shall argue below, following Johan Huizinga and others, play always creates a bounded "non-ordinary" space for itself with a different order and set of rules, goals, and possibilities than those that obtain in "ordinary" life. This is true of all activities that fall under the vast rubric of play: the games of hide-and seek or professional baseball, religious liturgies and theatrical productions, ancient festivals and modern holidays. Epideictic, as the oratory of ancient ceremonies and festival, is born of the play-sphere, and so is likely to proceed according to the logic of play, with its own order and rules and for its own internal ends, just like these activities.

Epideictic and Play

Play

Play is a concept with every bit as much complexity as any of those that I have treated above. Some of the axises along which the phenomenon is divided are solitary vs. social, spontaneous vs. rule-bound, and performative vs. competitive (Glenn and Knapp 1987). Such is its variety of use that it is difficult to come up with a general definition of play that does not take in the whole of human life. But I have found the work of Johan Huizinga a useful guide in this endeavor. In his seminal work on play and culture, *Homo Ludens* (1950) (Swiss ed. circa 1944), he held that there is a universal category of behavior that is designated by the English word "play" and its relatives (including the Old French *pleige*, and from it the English "pledge"), the German word "spiel" (related to the English spell), and the Latin *ludus*. Play, according to Huizinga, is any activity that stands outside "ordinary life" in that it has its own order. The order[3] it embodies may be "more real" than life, as in the case of the sacred play of liturgy, or less real, as in the case of fiction that requires the "suspension of disbelief." The "play-world" in which this order exists has certain boundaries. Within it, the desires and appetites of the outside world are set aside and the play activities are participated in for their own sake. Play "interpolates itself as a temporary

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[3]I will be using the word "order" frequently throughout this paper. By it I simply, and very broadly, mean any system of governing principles. So the sum of the rules of baseball would be the "order of baseball" and the sum of the beliefs and procedures of a religion would be the order of that religion. Usually order implies heirarchy in that some of the rules are more important than others and govern them, as axioms govern the geometric principles derived from them. In a "social order" the rules are often specifically about who may do what, who has to obey whom, and under what circumstances. There is doubtless a heirarchy in the system of rules here too, but the more important heirarchy is that which is established among subjects within the system of rules.

activity satisfying in itself and ending there (9)."

Huizinga's work has been attacked by some who have misread the idea of the "boundary" between play and non-play. Jacques Ehrmann, for instance, says, "Play is not played against a background of fixed, stable reality which would serve as its standard. All reality is caught up in the play of concepts which designate it (Ehrmann 1968)." These critics seem to too hastily reduce Huizinga's conception of play, which is broad enough to take in children's non-competitive games, games of make-believe and festivals like Christmas that "illuminate" ordinary time, acting as a complement to life. Huizinga saw that our lives are suffused with play.

Underscoring the "for-itselfness" of play brought out by Huizinga, the phenomenological perspective called reversal theory conceptualizes play as *paratelic* activity; activity that is parallel to, along side of, goal oriented activity (Apter 1991). Thus I can be playing a game of checkers, following the rules and stratagizing to the end of winning, but I am playing because I am enjoying the game, with its internal goals, as process. From this perspective we can see how play is bracketed off from the ordinary, but also reflective of it[4]. It is not atelic, but *para*telic. This explains how play can be "tense" as Huizinga puts it, while still being at a remove from the purposes of everyday existence. Because some play-worlds are "more real" than the "ordinary" world, what transpires in them may well be considered more important by those who play in them

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[4]This seems the most fundamental characteristic of play to me. The whole point of most leisure activities is to put one out of time, in a way. There is a certain element of "leaving the world behind" in a proper candelight dinner--with classic music and wandering conversation--as I'm sure there is in a fishing trip. And it is this "out-of-timeness" that leisure activities share with the ceremony. For this reason I, following Huizinga, also put ceremony under the heading of play.

than anything that happens to them "outside."

Huizinga sees culture itself as being playful in its origin. Cultural activity is activity that has been ritualized and considered intrinsically valuable. It is performed for its own sake even though its ultimate goal is the satisfaction of needs:

> When speaking of the play-element in culture we do not mean that among the various activities of civilized life an important place is reserved for play, nor do we mean that civilization has arisen out of play by some evolutionary process, in the sense that something that was originally play passed into something which was no longer play and could henceforth be called culture. The view we take in the following pages is that culture arises in the form of play, that it is played from the very beginning. Even those activities which aim at the immediate satisfaction of vital needs--hunting, for instance--tend, in archaic society, to take on the play-form (46).

However, even though it may have its origin in ritual, culture, as it becomes established and routinized, loses some of its playfulness.

> As culture proceeds, either progressing or regressing, the original relationship we have postulated between play and non-play does not remain static. As a rule the play-element gradually recedes into the background, being absorbed for the most part in the sacred sphere. The remainder crystallizes as knowledge: folk-lore, poetry, philosophy, or in various forms of judicial and social life. The original play-element is then almost completely hidden behind cultural phenomena (46-7).

The participants in play must willingly give themselves over to play in order for play to be play. So, when an activity, originally playful, becomes routinized, when alternatives to participation become difficult to conceive, when participation becomes habit, the ritual remains culture, but has lost some essential characteristics of play. So, for example, while legal trials may have once been a sort of sacred play, they have long since lost their voluntary characteristic, and so are no longer experienced as play by most participants.

The territory that we have opened up for ourselves using this definition of play is vast. Any bounded realm of human activity with its own order and rules is taken in. We can pass freely from ritual to sport and from theater to court without leaving this element. Before going on to examine epideictic as play, we might ask if all these human activities have anything more in common than Huizinga's definition. Is there really something more profound that unities them, some basic human drive or motive of which they might all be an expression? Plato gives us a clear indication about the deepest motive for the creation of play worlds might be:

> I say that man must be serious with the serious. God alone is worthy of supreme seriousness, but man is made God's plaything, and that is the best part of him. Therefore every man and woman should live accordingly, and play the noblest games and be of another mind from what they are at present...For they deem war a serious thing, though in war there is neither play nor culture worthy of the name, which are the things we deem most serious. Hence all must live in peace as well as they possibly can. What, then, is the right way of living? Life must be lived as play, playing certain games, making sacrifices, singing and dancing, and then a man will be able to propitiate the gods, and defend himself against his enemies, and win in the contest (*Laws*, vii, 803).

The play-world almost always realizes a more perfect order than the everyday, either because rules and roles are more clear and fair than they are in "real life"--as in the case of sport--or because the order itself descends from a "higher place," from the gods, and so is holy. The motive of play then is the drive for perfection, that is, the drive to gain mastery over the world and re-form it. Order is not always apparent in nature, but humans need order, so, in play, they create it. And then the order, cosmic or social, created in play becomes something that those who participate in it understand their lives through. Play, then, perfects and idealizes some aspect of life on the one hand, and on the other it becomes a tool for understanding the imperfect world outside of itself. In this sense a religion, with its order realizing ceremonies, does the same thing

for believers that a baseball game does for the truly devoted fan for whom baseball becomes a metaphor for life. They both function as idealized representations of life.

Epideictic is Play

Epideictic is play both because it is the oratory that arises from the play-worlds of ceremony, festivals and games and because, like other play-activities, it is for-itself, the "playing-out" of an order that seeks only to be, having no desire about what is outside itself other than to bring it into its game. It is also, like play, an idealized representation of life which often crystallizes a way of living or world-view in words for an audience, who draw upon it for insight. Surely this is how Pericles, for instance, intended his funeral speech to be used.

Play is a basic activity that precedes culture. If epideictic is rooted in it, then we can expect it to be a very old genera. And this is in fact the case. As Chase points out, following Richard Volkmann, the division between *pragmatikon*, or functional oratory, and *epidictikon*, preceded Aristotle's tripartite division of the art of rhetoric (293-4). So the division between ordinary and extra-ordinary speaking does precede much of rhetorical theory, even though, as the rituals of the court and assembly became reified and made to serve ordinary motives, the distinction became blurred.

Further, Aristotle's classification of epideictic as speech, usually delivered in a ceremonial setting, which is delivered not to officially designated judges who have an immediate practical task, but for the entertainment of the audience as *theoroi* (1358b1-3), is only coherent if one views epideictic as play. Playfulness, particularly when viewed as paratelic activity, is the only

characteristic that all which falls under the category of epideictic has in common and which other types of rhetoric clearly do not possess. For the controlling topics of praise and blame alone can not separate epideictic from deliberative and forensic rhetoric because these topics come up from time to time in these latter pragmatic genera. How could a trial be gotten through without blame after all? Only the fact that deliberative and forensic oratory have goals outside of themselves and that epideictic does not clearly distinguishes these pragmatic categories from Epideictic. Further, the epitaph, the encomia, the paradoxia and the panegyric[5] have little in common other than their playful character. As Aristotle says, epideictic is a type of discourse that exists for the present, which, like play, achieves its goals in itself. The audience, as *theoroi*, watch the speech unfold its world just like the audience of the theater (a word related to *theoroi*) watches a play unfold, or the audience of a theory (also related to *theoroi*) observes its internal order. Looking at the matter in this light one can begin to see that "theoretical" discourses--paradoxia like Gorgias' "On not Being"--and dramatic or theatrical discourses--like Gorgias' mock trial-defense of Helen or ceremonials such as funeral addresses--have play in common.

Scholars who try to find coherence in the *content* of epideictic, like Chase, most often come to the conclusion that epideictic is a genre concerned with praise and blame (Chase 299; Condit 285). We have just seen that play unites the genera of epideictic better than the topics of praise and blame, but it is not surprising that laudatory discourse should be prevalent in the play-

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[5]See Burgess' study, *Epideictic Literature*, for descriptions of these.

sphere, and that it, at times, has lent its name to epideictic in general[6]. As we have seen, *epidictikon* predates the other divisions of rhetoric, like forensic and deliberative, that have their origin in the democratic *polis*. Epideictic was at home in archaic royal courts and at religious festivals, both, in a sense, play-worlds where the participants took on the roles in social or cosmic hierarchy. In such hierarchal orders, rhetoric is courtship, in the sense that Burke uses the word: "By the 'principle of courtship' in rhetoric we mean the use of suasive devices for the transcending of social estrangement (208)." Praise is the instrument of courtship. In archaic Greece, it was the role of the *rhapsode* to, through a speech, create a play-world in which the *arete* of the *basileus* was apparent for all to see.

In the court-world, praise passes over easily into education, explaining the prominent place of epideictic forms in that activity (*i.e.*, the place of example speeches in sophistic education and Roman declamation). In creating songs and speeches of praise, the *rhapsodes* created culture: a tissue of example, allusion and *topoi* in which context *arete* was defined. Being thus the producers of cultural values gave them a certain potential power, they came to be in a position to educate. Burke sees this passing over into education as a means of transcendence. For in the *rhapsode*'s education of the *basileus* (which we see in the Isocrates' *Evagoras*) the order of the courtly play-world is transcended in the same way that Burke sees it transcended in the courtier's education of the prince (which Castiglione proposes is the courtier's ultimate duty). The courtier gains the upper hand by being more an expert in the play which features the prince than is the

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[6]Indeed, Cicero more often refers to Aristotle's third genre as *laudatio*, praise, than as *epidictikon* (Chase 297).

prince himself. And so, besides explaining the association, and occasional conflation, of epideictic with praise, the principle of courtship also explains its association with education, a topic I will take up again later[7].

The blame or invective side of epideictic also has it roots in the courtly play-world, but in this case in the agonist aspect of play. Ritual speeches of derision were every bit as much a part of certain rituals as speeches of praise were of others. "Greek tradition has numerous traces of ceremonial and festal slanging-matches," says Huizinga.

> The word *iambos* is held by some to have meant originally "derision," with particular reference to the public skits and scurrilous songs which formed part of the feasts of Demeter and Dionysus...Thus, from an immemorial custom of ritual nature, iambic poetry became an instrument of public criticism (68)."

The Playful Aspects of Philosophy and Law

Philosophy and law are two activities that devolve from play and are very important as background for both epideictic and argumentation.

Philosophy might be viewed as a game that mirrors and perfects the order of nature. In *Philosophy and the Mirror of Nature,* Richard Rorty has criticized exactly this "self-image" of philosophy, rejecting the correspondence theory of truth that this mirroring implies (Kim). Once our fundamental uncertainty about the world has lost its shock-value, however, it seems that we can still say that philosophy's order reflects, however imperfectly, nature. It follows the basic

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[7]We should also note, in this context, that the Greek words for education, *paideia*, and play, *paidia*, are very similar, both being derived from the word for the activity of the child, *pais*. See Jager on this, p 317.

human impulse to create order. It is a game that tries to realize the true order of the cosmos.

As we have seen in Plato, play is something through which we understand the world. So, when successful, it is natural enough for the play-order to come to understand itself as *the* order, as, in Rorty's words, the mirror of nature. It becomes most vital as it conquers the last frontiers of the "real" and becomes "reality," as players overcome death or do what was thought impossible. But as soon as it has found a place for everything in its order, it becomes difficult to conceive of any alternative to the game, and it loses it playfulness. The played-order becomes "knowledge," and is subject to new outbreaks of play within itself.

Law is an activity that takes itself seriously but retains something of play because it has a certain element of ceremony about it. In order to understand law as play, we must realize that play, in its agonistic aspect, is perfected contest. The idea here is that any type of recurring strife or conflict tends, even in the animal kingdom, to become surrounded with constraining ritual, rituals which sanctify the struggle and ensure the "correct" outcome, rituals which come to be valued for their own sake. Raw confrontation gives way to agonistic culture, which is perhaps what Clifford Geertz calls "deep play." So the battle becomes the joust, and, more significantly for us, the quarrel becomes the litigation. In classical Greece, litigation before a judge was called an *agon*, the same word used for the games conducted at the Olympic festival (Huizinga 73). "...the classical age of Greek and Roman civilization had not outgrown that phase in which legal oration is hardly distinguishable from the reviling-match (87)."

Huizinga points to Stoicism as a force in tempering the dynamic invective style in Roman law, which attempted to "purify it in accordance with the pure standards of truth and dignity

professed by the Stoics (88)." The irony here is that, as we have just seen, philosophy itself is at times a form of play, and it is ironic to see it as a force that tempers play when it itself is the realization of a play-order, albeit a sacred one.

Play and Argument

We have now surveyed the historical relationship between argument and epideictic and seen how epideictic, and some other important contexts for rhetoric, namely law and philosophy, arose out of play. We are now in a position to return to the question of how argument is related to epideictic. In the following section we will discover that formal "argument," on the one hand, is a sort of play, an epideictic demonstration of order. On the other hand we will find that audience-centered argument is a liminal activity that exists on the threshold of the play-order; the process by which persons, events and things outside the order are brought "into play" and given a place in the order of play. Epideictic, as we have suggested before, is central in this scheme, a type of activity that illuminates the disorder and uncertainty of the "real" or "everyday."

Play, Form and Reason

In his *Rhetoric of Motives*, Burke speaks of how an audience can be lured into collaborating in a speaker's assertion by grasping and anticipating the forms of speech and of thought which the speaker is using:

> "...we know that many formal patterns can readily awaken an attitude of collaborative expectancy in us. For instance, imagine a passage built upon a set of oppositions ('*we* do *this*, but *they* on the other hand do *that*; *we* stay *here*, but *they* go *there*; *we* look *up*, but *they* look *down*,' etc.). Once you grasp the trend of the form, it

invites participation regardless of the subject matter (58).

Isn't what Burke is pointing out here, as the lure of form, nothing less than the lure of play? Instinctively, in reading the little generic antithesis he has set up, we sense that there is a game afoot, that the speaker has entered a play-world with its own set of rules: whatever they are, we are the opposite. We accept the rules either out of our desire to participate in or appreciate the game, or perhaps out of a competitive desire to anticipate or outdo the speaker.

The use of form, then, is a kind of play. It produces adherence, within the space of play, of the sort that is the condition for entering into the game. If one is to "play along" with Burke's example, one must, at least provisionally, accept that "they" are the opposite of "us." But whether or not this is argument is highly debatable. The adherence to the rules of most games ends exactly when the game ends, and so it might well be with the adherence gained with stylistic figures. And if this were the case, then we would not have an example of argument. Besides, as even Cicero states, argument makes use of reason, even if it is not reducible to it, and stylistic figures are not reason[8].

But here is the crux of the matter: is not reason itself judged by the correctness of its form? What distinguishes a reasonable discourse from an unreasonable one other than the logical

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[8]It is worth noting here both the extent to which reason is represented in later lists of stylistic figures and the extent to which many figures have play built into them. In the *ad Herenium* we find devices like "Reasoning by Question and Answer" and "Reasoning by Contradictories" under the heading of Figures of Diction. And on the second point, observe this example from *Pro Milone* "And yet I do not propose to defend Titus Annius, gentlemen, by exploiting the success he made of his tribuneship, or by dwelling on all the noble actions he performed at that time in the interests of his country (219)." In this standard figure, Cicero is playfully able to do and not do something at the same time.

form that one can distinguish in the relationship of the words of the former? All the ways of reasoning that one finds in the classic texts--syllogism, enthymeme, analogy, example--are forms. And as forms, wouldn't they invite the collaborative participation of their audience in the same way that stylistic figures do? And if this is true, then it would appear that logic too is a type of play; a game whose rules give sense and shape to the disorder and contradiction of the everyday, even as religious rituals and liturgies do. It is a game, perhaps, of a higher order than the stylistic games of discourse. It is quasi-sacred. Like religious activity, its goal is not immediate pleasure, but rather to realize, within its play-world, the highest reality. This is what we have described previously as the game of philosophy. The order it realizes reflects back upon the order of the world, helping to make sense of it.

It is toward this extreme of pure play, and, in an odd way, toward the demonstrative "epideictic" of logical proof, that formal definitions of argumentation carry us. Once we see this, we see that the problem of defining argument and it relationship to epideictic is one that involves negotiating the boundaries of play and its relationship to the everyday, for both the ritual of logical form and the motives of everyday life have their place in audience-centered argumentation.

Epideictic is Illuminative

After pointing out how play stands outside ordinary drives, Huizinga doubles back to talk about how it can illuminate, to coin the phrase, the ordinary:

> "As a regularly recurring relaxation, however, it becomes the accompaniment, the complement, in fact an integral part of life in general. It adorns life, amplifies it and is to that extent a necessity for both the individual-as a life function--and for society by reason of the meaning it contains, its significance, its

expressive value, its spiritual and social associations, in short, its culture function (9)."

I use the word "illuminate" to take in all this because I think the relationship between the play-world and ordinary life might best be conceived in terms of reflection. The perfected order of play, particularly of sacred play, while only obtaining in the play-sphere, is reflected in the everyday, illuminating it with its order and meanings. To say that literature or the sacred has this illuminating relationship with the everyday is nothing new. Burke says that literature provides one with "equipment for living," while the message and mystery of religious worship is meant to give meaning to life. In the same way, the "extra-ordinary" order of festivals, or of carnival, serves to reaffirm ordinary existence. But to say that formal reason and its various rituals--the disputation, the philosophical argument, the logical demonstration, or even the logic or mathematical textbook--have a similar relationship to everyday life *is* something new. And it is completely consistent with these other uses of play.

All epideictic has this illuminative function: as demonstration, its order may be that of logic, but even more commonly it establishes cosmological and ethical orders, and is not above pure play of words. It is not merely "argument" intended to increase the adherence to certain values, as Perelman and Olbrechts-Tyteca indicate (46-51), it invites an audience to participate in some order--be it cosmic, social, ethical, logical or some admixture of these--to watch that order play itself out around and through them. This is what happens in speeches like Protagoras' Great Speech, Pericles' Funeral Oration, and Isocrates Panegyricus. Such speeches are best understood as rituals. There is not better testimony to this than the fact that Isocrates had his students recite model speeches hoping, as David Dunlap puts it

> "to create an education based in the experience of the words and the pattern of expression. For him, it was impossible to explain the experience of his speeches or the effect they could have on the individual speaker or auditor, but it was possible to share that experience. In this way both the orator and his listeners could attempt to return to the state of mimetic identity with the ideas of the speech, for 'it is easy to imitate the character of their fellow-men and the thoughts and purposes those, I mean, that are embodied in the spoken word" (Isocrates, *Evagoras*, 75). Through that embodiment, the ideas come to life and enter the very being of speaker and listener (468-9)."

By sharing not just a vision of an order, but a ritual that embodies it, epideictic speeches accomplish the community sharing functions talked about by Condit (289). Epideictic reflects and orders the everyday, creating a play-world for the audience to experience. Argument, as we will see in the next section, can then make sense *through* the forms pursued for themselves in epideictic discourse in very nearly the same way that the world, for Plato, makes sense through the Forms.

What we are speaking of here is entirely in line with Plato's injunction to live life as the playing out of the divine order. We must endeavor, he is saying, to see the Divine Order--which, as mortals, we realize only through play, reflected throughout life; to allow it to illuminate life with its meaning. The order that the orator creates in epideictic is higher than the everyday, the order intended by the gods. Beside it the ordinary and serious are insignificant. This is why, according to Plato, we should attempt to live our lives as sacred play.

We should also note links to the concept of educational context, where display, both on the part of the student and the teacher, is of central importance. One of the Greek words for play, *paidia*, derives from the word that designates the activity of a child, and so is associated with education. The epideictic rituals that form the substance of education--the lectures of the teacher and the exercises of the student--are attempts to enact various play-orders. We have already

noted how these shared rituals allow the courtier to transcend the order of the court by becoming an educator. It might also be added that higher education, the medieval and modern universities and the various philosophical schools of the ancient world, are, naturally enough, among the most secure bastions of certain types of pure play.

As play, epideictic has certain rhetorical properties that make it pedagogically useful. In his *Helen*, Isocrates remarks that the sophists who were his contemporaries deserved censure for inventing speeches which treated trivial themes, like bumble-bees and salt, or, following in the footsteps of Gorgias, Zeno and Protagoras, paradoxical ones, like the proposition that nothing exists. But let us ask if there were any positive uses for such speeches. Speeches that attempt to prove in the realm of the imagination or the counter-intuitive certainly do not ask for the audience to carry the conclusion over into the realm of the everyday. The sophist who begins discussion with a speech that "proves" that bumble-bees are the noblest of all creatures presumably would not intend his pupils to go home and begin to worship bumble-bees or even to treat them any differently. Rather, by discoursing "as if" he were arguing, and coming to surprising results, he foregrounds the means by which those results might be achieved. He dissociates the form from the content and thus initiates students into the order of epideictic play. The forms and figures that the student learns illuminate their subsequent speaking and understanding. This, perhaps, goes some way towards explaining the genuine value of the often-derided practice of declamation, in which Roman and Greek students composed stylized speeches on far-fetched legal or political

dilemmas[9].

Argument is Liminal

Argument is not itself reason. It reflects and makes use of the order of reason. Speaking of argument in these terms gives us the way of referring it to the pure play of logical forms while still allowing it to address everyday concerns which we have been seeking since the beginning of this paper. By examining the evolution of McBurney and Mills' definition of argument we confronted a definitional dilemma. We named the horns of this dilemma, calling one "formal definition" and the other "audience-centered definition," but left ourselves hanging upon them at that point. But now we are prepared to extricate ourselves. Formal "argument," then, is not really argument at all, it is a sort of play. But it is a play that is indispensable to argument proper, audience-centered argument. For, as Perelman and Olbrects-Tytecha say, "For argumentation to exist, an effective community of minds must be realized at a given moment (14)." And

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[9]There are a number of interesting connections between declamation and play. First of all, and most obviously, declamation is a sort of pretend court-case or advocacy. The criticism that it received was, in the main, that it did not mimic "real life" well enough to be of assistance later on. That there was no opportunity for the practice of eloquence in the early empire, as this view assumes, is open to dispute. S.F. Bonner points out that the courts went on functioning much as they had before in non-political cases (44). And, although the Senate no longer had meaningful deliberations, the art of advice-giving in which the *suasoria* trained one might have come in very useful as well. There is now denying, however, that declamation developed a certain ceremonality of its own. As Bonner says, "So declamation had become a kind of game, but, in its way, a highly intellectual game, which called for ingenuity and agility of mind and considerable legal skill...(50)." The point I am making above amounts to this: part of the pedagogical value of both certain forms of epideictic, like paradoxia, and of declamation lies precisely in there *separation* from "real life." The very outlandishness of some of them foregrounds forms and figures, which are more transferable to other situations than arguments too closely bound up with content.

communities of reason, as well as communities of values and belief, are realized through epideictic.

Argument proper is liminal. It always occurs at the threshold of play, when an indeterminate something is brought "into play" and assigned a proper place in the order of play. Here is a simple example: If a football player is clearly seen by a referee to cross the line of scrimmage before the snap, there is no argument, for that action clearly has a place in the order of play, as a violation. If, however, the referee sees one thing and another referee or a replay camera sees another, then the event is indeterminate and there is room for a legitimate argument, a discourse that determines the proper place of the thing in the order of play. This is exactly the same type of discourse that takes place in the court of law, whose job is to determine the status of an action in regard to the ethical order of a community. The rules of reason and the ethical and social orders established through educational epideictic, are brought to bear upon the action as the lawyers try to determine how the community will view its status, all this within the boundaries of an established ceremony. The *stasis* system in Roman rhetoric might be viewed as a formalization of this process of determining the place and import of an indeterminate action: Did it occur or not? What is its Name? What was its context? These are the issues that confront one when giving an indeterminate event a place in an order.

By saying argument is liminal, I am making a connection between argument and various initiation rights and ordeals. Victor Turner has, in several works, developed the idea of liminality introduced by French folklorist Arnold van Gennep in his description of initiation rites in preindustrial societies (Turner 202). The basic idea is that such rites have preliminal, liminal and

postliminal phases. Taking the puberty ritual as an example, Turner explains:

> The first phase (of separation) comprises symbolic action signifying the detachment of the individual or group from an earlier fixed point in the social structure or from a set of cultural conditions, or both. Thus in boys' initiation rites in preindustrial societies, the boy is forcibly removed from the mother and her domain...In the third phase...the boy, transformed into a man, is returned to the everyday world in which he will now assume adult responsibilities...But it is the second phase, "liminality," which is really central to the ritual process...For between separation and reintegration there occurs...a period of ambiguity, a sort of social limbo, which has few of the aspects of the sociocultural life which precedes and follows it (202)."

There is not an exact analogy between initiation and argument, but still, if argument is the process by which the indeterminate is brought into a rational order shared by a "community of minds," then it has a certain correspondence to the initiation rite. The objective of argument is, most simply put, to assign a Name[10] with a prespecified meaning to an indeterminate something and thus give the community in which that Name is meaningful a certain control over that thing. This happens in the initiation rite when the boy is given a Name and a place in the order of men. And it also happens when an indeterminant action is given the Name of a crime, and the performer of it given a new status in the community. The Greek *categoria* and the Latin *praedicamenta* both originally had the meaning of accusation (Ong 106-7)[11]. So it is possible to think of a

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[10]I capitalize Name here to signify that these are in a sense proper names, that they designate a manifestation of a single reality established in the play-order, in the way that all the circles that one might observe are manifestations of the Platonic Circle.

[11]One can read Aristotle's *Topica*, on this way of thinking, as a sort of manual for public accusers. Beautiful examples of such accusations being carried out occur in Plato's *Sophist* and *Statesman*, where these professions are "accused," using strict dialectical procedure, of being certain things. The Eleatic Stranger leads Theaetetus to the conclusions that the Sophist is a "hired hunter of rich young men...a sort of merchant of learning...a retail dealer in some wares [words]...(231c-d)" etc. Perhaps such accusatory naming was an initiation to the order of the professions, or even into particular professions, serving much the same function that Quals serve for us.

It is also interesting to note that the word "actor" originally denoted this role of "public accuser." I'm searching to find where I read that.

property being predicated of a subject in a proposition as being analogous to, perhaps arising out of, accusations of crime. And the trial, as we have just seen, is conceived on the basic model of the initiation ceremony. In all these cases the indeterminate is being given a place in an order by means of certain liminal procedures[12].

In this scheme then, epideictic is central and precedes argumentation. Like the dancing flames giving light to a ritual dance, it is order and light that exist apart from the chaos and darkness of the everyday. Argument occupies the half-light at the edge of the circle of the play, where the order and forms of play are reflected and used in the everyday. If it slips out of the light it becomes unreflective persuasion. If it slips out of the darkness it becomes pure play. The root of the word "argument," the Greek *argos*, means "bright," and hence "to argue" means to make clear or to make bright. And this action of making bright, of illuminating, requires both a light and a dark thing for it to fall upon.

Part Two: Cicero and the Uses of Play

In a sense, Cicero's whole approach to rhetoric bears out this attitude towards argumentation which I have described. His writings give numerous indications that his primary concern was with practical forensic oratory, but both his speeches and his writings on speaking

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[12]Another "initiation procedure" that I did not mention here is that experimental *trial* by which a hypothesis is initiated into the order of theory. Again it is an accusatory process, at least on the Popperian model, where a point of falsifiability is identified and tested. Further, to think of theory as play--or even a play--explains the occasional necessity of revolution in science pointed out by Kuhn.

reflect various schools of philosophy--primarily the New Academy, Sceptics, and Stoics (Enos 212). Cicero's courtroom style reflected the rational and ethical orders of these schools, as Richard Enos says, "Cicero complemented Sceptic and New Academic concepts of probability and dialectic with Stoic tenets on morality...Cicero's moral philosophy for litigation was an adaptation of Zeno's observation that moral worth was the only good (212)." Eclectically borrowing from various schools, which, in their origins at least, did not claim to provide anything other than a way of life and thought that were good in and of themselves, Cicero turns philosophy for philosophy's sake to "practical" use in the court. When he expresses the opinion that it is unfortunate that philosophy and rhetoric have come to be considered separate subject matters in the first book of *De Oratore*, he is again taking what we might call the "argumentative stance," resolutely straddling the line between the sacred play of philosophy and its application to everyday experience. His eclecticism allows him to see and be seen by the light of many fires, so to speak.

In the *Pro Archia*, we find this attitude incorporated into a defense, not only of the poet Archias, but of literary pursuits in general:

> I cannot therefore, I submit, be justly rebuked or censured if the time which others spend in advancing their personal affairs, taking holidays and attending Games, indulging in pleasures of various kinds or even enjoying mental relaxation and bodily recreation, the time they spend on protracted parties and gambling and playing ball, proves in my case to have been taken up with returning over and over again to these literary pursuits. And I have all the more right to engage in these studies because they improve my capacity as a speaker...(155).

Like philosophy, literary play creates light which is reflected in his arguments, illuminating

them with depth and meaning[13]. Further, Cicero sees his literary pursuits as something that are of the same nature as the Games and festivals, but, for him at least, more valuable than these. This point is underscored by the fact that the *De Oratore* is set up as taking place at the same time as the Games, in the playful atmosphere of festive times that allows things to be pursued for their own sake.

Now, having broached the subject already, let's turn our attention to a closer examination of the interaction of epideictic/play and serious consequences in the *Pro Archia*.

We have already seen how many aspects of culture, on Huizinga's view, have their origin in play, and that legal proceedings are one of these. We have spoken of the trial as an event that is in a sense liminal, in that it assigns a name and significance to a past action in the context of the order of a society. In Cicero's late Republican context, however, the "order of society" was breaking down[14]. More and more the form of the trial was becoming a mask behind which

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[13]In note 6 I attempt to make some connections between literacy and play. In writing something, I explain, we are reliving it. It is a paratelic activity which allows us to playfully and reflectively live an event again and again, discovering, or creating, order in it. I bring this up again here in connection with the "literate mode" of Cicero's courtroom speeches that Enos points out. They were, it seems, written after they were presented and published with alterations that were at times quite substantial. This use of writing to relive and perfect is something we are familiar with from Isocrates, who often published what should have been said after the fact, as was the case with his *Antidosis*. This literary playfulness, that Cicero defends as useful, is entirely in line with my notion of how play, in its various forms, reflects, perfects and then illuminates everyday reality.

[14]As Enos says in *The Literate Mode in Cicero's Legal Rhetoric* "Cicero recognized that politics had a definite impact on the court, an impact which often resulted in judicial corruption." Any number of sacred traditions were being violated in this period, beginning with the bringing of troops into the city of Rome, an action strictly forbidden, by Marius and then Sulla during the

political forces moved[15]. With the great ceremony of the State disintegrating it is not surprising to find Cicero framing his case, in the *Pro Archia*, in terms of another kind of play: literature.

Aulus Licinius Archias was a Greco-Syrian poet associated with the Roman general Lucius Licinius Lucullus, whom he had campaigned with and written a heroic poem about. When Lucullus came into conflict with the rival general Cnaeus Pompius--calling Pompius a carrion bird come to feast on another's kill and having the compliment returned in Pompius' assertion that Archias was a "tragedy general" whose successes were staged effects--some of Pompius' friends made trouble for Archias as a way of getting back at Lucullus. Although usually a supporter of Pompius, Cicero took on Archias' case, perhaps feeling that poets should not be directly affected by power politics, or perhaps because he had studied under the man as a youth.

The particulars of the case put Cicero in a delicate, but not entirely unfavorable situation. If it could be proven that he was an alien, Archias would be expelled from the city under the law of Gaius Papius. But it was difficult to prove the case either way because the records of the town through which Archias was supposed to have gained his citizenship seem to have been burned during the Social Wars. Also, Archias seems to have been out of Rome on campaigns with Lucullus during all the censuses that had occurred after he had allegedly become a citizen. It is true, there were a number of minor officials and friends of Lucullus, not to mention Lucullus himself, that were willing to swear that Archias had long been a citizen. But in a society where

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Social Wars.

[15]This might be interesting to look at in the context of Brian Sutton-Smith's notion of play as mask, expounded in the book *The Masks of Play*.

bribes and favors were exchanged like world series tickets in the stadium parking lot, this was only to be expected, and would have hardly counted for anything in the minds of any jurors who might have been interested in getting at the truth.

So how was Cicero to convince the jury to come down on the side of the poet without any good external proof, when society had become so disordered that any idea of bringing an indeterminate into its order was somewhat contradictory? When the ceremony of the trial was no more than a mask for political battles? Cicero solves the problem by arguing a double-case:

> I for my part undertake to convince you that Aulus Licinius [Archias] should not be excluded from the lists of Roman citizens; and indeed that he certainly should be made a Roman citizen here and now--if it were not the case that he is one already (149)[16].

He undertakes the first part of the case in a fairly standard way, offering evidence that Archias had the sort of reputation and achievements that would and did lead to his enfranchisement, providing the testimony of eminent citizens as to this fact, and offering the reasons that documentary proof was not available. About halfway through this standards defense, Cicero states, "If the question of his Roman enfranchisement, and the legal position in this respect, are the only issues we have to bear in mind, I have nothing more to say (151)." But he

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[16]This form of argument is interesting in and of itself. Christopher Craig has identified this "A, and if not A then B" form of argument as the same kind employed in Gorgias' "On not Being" in tri- (rather than bi-) partite form: Nothing exists; even if it did, we could not know it; even if we could, we could not communicate that. There is something playful in this type of argument in that, any way you look at it, only part of it can be true, but all of it is argued in earnest. To pull something like this off, one needs to know one's audience very well. If one worked it right, one could aim particular segments of the argument at particular segments of the audience, and amuse those who had already been swayed with the subsequent arguments in the mode of epideictic. And this may in fact be what Cicero was doing in the *Pro Archia*, the second part of the double case being so strongly epideictic in form and content, as we shall see below.

does indeed have much more to say. His speech is really only just getting started. Apparently the question of enfranchisement is not the only thing to bear in mind. The disorder of the Republic was such that it no longer provided a meaningful system of values upon which judgment could be founded. There was no order in which the indeterminant might be given a place. So Cicero, in the second part of his speech, alternates epideictic with argument, crystallizing and then applying values. Let's consider a couple "cycles" of epideictic and argument to see how this works.

> We have it on eminent and learned authority that, whereas other arts need to be based upon study and rules and principles, poets depend entirely upon their own inborn gifts and are stimulated by some internal force, a sort of divine spark, within the depths of their own souls. Our great Ennius was therefore right to call poets holy, because they bring to us some special gift and endowment which the gods have accorded to them as a passport for this world. Even the most barbarous of races has never treated the name of poet with disrespect. How imperative therefore is it that you yourselves, with all your noble culture, should regard it as holy indeed! The very rocks and deserts echo the poet's song. Many is the time when ferocious beasts have been enchanted and arrested in their tracks as these strains come to their ears. Shall we, then, who have been nurtured on everything that is fine, remain unmoved at a poet's voice?
>
> The people of Colophon declare that Homer came from their city, the Chians assert he belongs to them, the men of Salamis lay a rival claim, while the people of Smyrna are so sure he is theirs that they have allotted him a shrine within their town, and a great many other communities too have joined in this competitive struggle to be regarded as Homer's birth-place. These people, in fact, are eager for the possession of a man who has long been dead and who, even when he lived, was a foreigner. It is because of his poetic genius that they feel this powerful urge? Are we, on the contrary, to reject a poet who is still alive, and who is indeed ours by law, and ours by his own inclination as well (159-60)?

Play functions in several ways in this passage. First of all, in all but the last line of each of the paragraphs, Cicero is doing nothing other than praising poetry in an epideictic mode. He had signaled for the audience to expect something other than an ordinary forensic speech earlier, when he called attention to the "unconventional shape" of his speech (157). Then, in the passage quoted, he pulls together little bits and pieces of lore that the audience has been hearing their whole lives into a picture of the universe where poets are more or less the messengers of the gods, men with supernatural powers whom all the nations try to possess. In the context of his earlier

signal, such a performance would certainly recall epideictic speeches. Further, the speech employs stylistic and logical forms with which the audience is also familiar from epideictic contexts. Very early in the epideictic part of the oration, we find this passage: "Reading stimulates the *young* and diverts the *old*, increases one's satisfaction when things are going *well*, and when they are going *badly*, provides refuge and solace (156)." That's right, it's the old antithesis, with the invitation to play along which comes with it. Also the "We have it on eminent and learned authority" passage contains several successive uses of a logical form that the audience would be familiar with as well: the formal topic of the more and the less: If the barbarians, who are less likely to praise poets than we do indeed praise poet, then so should we. If cities fight over the possession of dead foreign poets, we should claim a living citizen poet, etc. This logical form invites the audience to play along every bit as much as the stylistic figures do, perhaps more so.

Cicero, drawing upon experiences that his audience shared, carefully creates an epideictic ritual of praise for poets, and then, in the last line, shines the light thus created back onto his client: Are we to reject a poet who is ours? The natural conclusion of the logic is, of course, "no." Because it is a question, it is an invitation for the audience, who is familiar with this game of logic, to play along. But it also turns the praise back into argument, making the indeterminate status of the poet who sat before them determinant in the order Cicero had created. Ironically, in the process, he has praised the very activity that he is engaging in, perhaps in this way presenting the most convincing proof of its utility.

Let us conclude with the observation that epideictic is not, as some portray it, necessarily the sign of a degenerating society. Indeed, the rituals which build a community through discourse, are prior to argument, which gives persons, actions and things a particular status in those communities. Epideictic is the foundation of rationality and ethicality. It can be used as an instrument to work against the disintegration of social order. This was a way that Cicero, in fact, made use of it. The challenge that falls upon us is to find ways to do the same in an age when technology allows communities to be spread over great physical and social distances.

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